

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,	:	
	:	Case No. 23-cr-490 (SHS)
-against-	:	
	:	
ROBERT MENENDEZ, et als.,	:	
	:	
Defendants.	:	
	:	
	:	

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**NOTICE OF MOTION TO DISMISS THE INDICTMENT**

**PLEASE TAKE NOTICE** that defendant Fred Daibes shall move this Court, before the Honorable Sidney H. Stein, United States District Judge, in Courtroom 23A at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date and time to be designated by the Court, for an Order Granting the defendant's Motion to Dismiss the Second Superseding Indictment, or in the alternative, granting a severance.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion defendant Daibes shall rely upon the accompanying Brief submitted herewith.

Dated: January 15, 2024

By: /s/ Timothy M. Donohue  
Timothy M. Donohue,  
Arleo & Donohue, LLC  
622 Eagle Rock Avenue  
West Orange, NJ 07052  
(973) 736-8660

Attorneys for Defendant, Fred Daibes

**CERTIFICATION OF SERVICE**

TIMOTHY M. DONOHUE, certifies as follows:

1. On the below date, I caused the within Notice of Motion to Dismiss the Indictment and Memorandum of Law in Support of Omnibus Motions, on behalf of defendant Fred Daibes, with the United States District Court of the Southern District of New York, via electronic filing (ECF).
2. On the below date, I caused a copy of the I caused the within Notice of Motion to Dismiss the Indictment and Memorandum of Law in Support of Omnibus Motions, on behalf of defendant Fred Daibes to be served upon all counsel, via electronic filing (ECF).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: /s/ Timothy M. Donohue  
Timothy M. Donohue

Dated: January 15, 2024